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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

18-cr-678-4 (JPO)

5 NIKOLAI NIFTALIJEV,

6 Defendant.

Plea

7 -----x

8 New York, N.Y.
9 **(via telephone)**

10 October 26, 2020
9:35 a.m.

11 Before:

12 HON. J. PAUL OETKEN

13 District Judge

14
15 APPEARANCES

16 AUDREY STRAUSS
17 Acting United States Attorney for the
18 Southern District of New York
19 BY: GEORGE D. TURNER
20 Assistant United States Attorney

21 BENNETT M. EPSTEIN
22 Attorneys for Defendant

23 Also Present: Yana Agoureev
24 Russian Interpreter
25

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1 (Via telephone)

2 (Case called)

3 THE CLERK: Starting with the government, counsel,
4 please state your name for the record.

5 MR. TURNER: Good morning, your Honor. George Turner
6 for the government.

7 THE COURT: Good morning.

8 MR. EPSTEIN: Good morning, your Honor. Bennett
9 Epstein for Mr. Niftalijev.

10 THE COURT: Good morning.

11 And let me just ask if the interpreter can hear me and
12 if Mr. Niftalijev can hear me.

13 THE INTERPRETER: The interpreter can hear you, sir.
14 And Mr. Niftalijev can hear you as well.

15 THE COURT: Thank you.

16 THE INTERPRETER: Mr. Niftalijev can only hear the
17 interpretation, not you directly, just through the interpreter.

18 THE COURT: OK.

19 THE INTERPRETER: But he cannot see. He can just
20 hear.

21 THE COURT: Yes. We're doing this by audio only.

22 THE INTERPRETER: Yes. I understand. Thank you.

23 THE COURT: Thank you.

24 Mr. Epstein, I've been informed that your client is
25 prepared to change his plea to a plea of guilty pursuant to a

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1 plea agreement. Is that correct?

2 MR. EPSTEIN: Yes, your Honor, that's correct.

3 THE COURT: All right. We're conducting this
4 proceeding by telephone conference, and that's authorized under
5 the CARES Act in light of the pandemic and by Chief Judge
6 McMahon's standing order and finding that plea proceedings
7 cannot be conducted in person without jeopardizing public
8 health and safety, as long as the defendant consents.

9 Mr. Epstein, have you had a chance to discuss
10 proceeding remotely by telephone with the defendant?

11 MR. EPSTEIN: I have, your Honor, and he fully
12 consents, and we have filed with Mr. Hampton a consent form
13 that I have his authorization to sign.

14 THE COURT: Thank you. I did receive the consent
15 form. And just to confirm, Mr. Niftalijev, you have the right
16 to have this proceeding take place in person, but given the
17 pandemic, in order for it to happen as soon as possible, you
18 have the right to do this by telephone. Do you consent to
19 proceeding today by telephone?

20 THE DEFENDANT: Yes. I give my consent.

21 THE COURT: Thank you. I find the defendant has
22 consulted with counsel and has waived his right to an in-person
23 proceeding for this change of plea hearing today.

24 I also find that the proceeding cannot be further
25 delayed without seriously harming the interests of justice.

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1 Because the defendant has been detained for a significant
2 period of time, he appears to qualify for the safety valve
3 provision. His co-defendants have been sentenced to 33 months.
4 His counsel will likely be arguing for a sentence below the
5 otherwise applicable mandatory minimum. And the interests of
6 justice demand that he be allowed to set a sentencing date that
7 does not require a greater period of incarceration than
8 necessary.

9 Is there anything the parties would like to add on
10 that, Mr. Epstein?

11 MR. EPSTEIN: No, your Honor. You've summarized it.
12 Thank you.

13 THE COURT: And Mr. Turner?

14 MR. TURNER: No, your Honor. We agree that going
15 forward telephonically is appropriate.

16 THE COURT: Thank you.

17 Mr. Niftalijev, I've been informed that you wish to
18 plead guilty to Count One of the indictment. Is that correct?

19 THE DEFENDANT: Yes.

20 THE COURT: Before accepting your guilty plea, I'm
21 going to ask you certain questions to establish that you're
22 pleading guilty because you actually are guilty and not for
23 some other reason. If you do not understand any of my
24 questions or if you'd like a further opportunity to speak with
25 Mr. Epstein, please let me know.

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1 I am now going to swear you in.

2 (Defendant sworn)

3 THE COURT: You are now under oath, and that means if
4 you answer any of my questions falsely, your answers could be
5 used in a prosecution for perjury. Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Could you please tell me your
8 full name, sir.

9 THE DEFENDANT: Nikolai Niftalijev.

10 THE COURT: How old are you?

11 THE DEFENDANT: 33.

12 THE COURT: How far did you go in school?

13 THE DEFENDANT: I graduated from a vocational training
14 college.

15 THE COURT: And where was that? In Estonia or
16 somewhere else?

17 THE DEFENDANT: It was in Estonia.

18 THE COURT: Have you ever been treated or hospitalized
19 for any mental illness?

20 THE DEFENDANT: No.

21 THE COURT: Are you now or have you recently been
22 under the care of a psychiatrist or a doctor?

23 THE DEFENDANT: No.

24 THE COURT: Have you ever been treated or hospitalized
25 for addiction to drugs or alcohol?

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1 THE DEFENDANT: I didn't understand the question.

2 THE COURT: Have you ever been treated or hospitalized
3 for addiction to drugs or alcohol?

4 THE DEFENDANT: No.

5 THE COURT: And in the past 24 hours, have you taken
6 any drugs or medicine or had any alcohol?

7 THE DEFENDANT: No.

8 THE COURT: And do you understand what's happening in
9 this proceeding today?

10 THE DEFENDANT: Yes, I do understand.

11 THE COURT: All right. I'm going to ask counsel for
12 both sides if you have any doubt as to the defendant's
13 competence to plead. Mr. Epstein?

14 MR. EPSTEIN: I have none whatsoever, your Honor.
15 Thank you.

16 THE COURT: And Mr. Turner?

17 MR. TURNER: No, your Honor.

18 THE COURT: Based on his responses to my questions and
19 his demeanor as I perceive it from his responses, I find that
20 the defendant is competent to enter a plea of guilty at this
21 time.

22 Mr. Niftalijev, have you had a sufficient opportunity
23 to discuss your case with your attorney, including the charge
24 you intend to plead guilty to, any possible defenses, and the
25 consequences of pleading guilty?

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1 THE DEFENDANT: Yes.

2 THE COURT: And are you satisfied with your attorney's
3 representation of you?

4 THE DEFENDANT: Yes.

5 THE COURT: I am now going to explain certain
6 constitutional rights that you have. You give up these rights
7 when you plead guilty. I want to make sure you understand
8 them. Under the Constitution and laws of the United States,
9 you have the right to a speedy and public trial by a jury on
10 the charges in the indictment. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: At that trial, you would be presumed
13 innocent and the government would be required to prove you
14 guilty beyond a reasonable doubt by competent evidence before
15 you could be found guilty. You would not have to prove that
16 you were innocent. A jury of 12 people would have to agree
17 unanimously that you were guilty. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: At that trial and every stage of your
20 case, you would be entitled to be represented by an attorney.
21 If you could not afford one, an attorney would be appointed to
22 represent you. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: During a trial, the witnesses for the
25 government would have to come to court and testify in your

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1 presence, and your lawyer would be able to cross-examine the
2 witnesses for the government, object to evidence offered by the
3 government, and if you desired issue subpoenas, offer evidence,
4 and compel witnesses to testify on your behalf. Do you
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: At a trial, although you would have the
8 right to testify if you chose to, you would also have the right
9 not to testify, and no inference or suggestion of guilt could
10 be drawn from the fact that you did not testify if that's what
11 you chose. Do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: Also, if you were convicted at a trial,
14 you would have the right to appeal that verdict to the Court of
15 Appeals. Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: Even at this time, as you're entering this
18 plea, you do have the right to change your mind and plead not
19 guilty and have a trial on these charges. Do you understand
20 that?

21 THE DEFENDANT: Yes.

22 THE COURT: If you do plead guilty and I accept your
23 plea, you will be giving up your right to a trial and the other
24 rights I have just described. There will be no trial. But I
25 will enter a judgment of guilty and then sentence you later on

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1 the basis of that guilty plea. I will not sentence you today
2 but will sentence you after considering a presentence report
3 that will be prepared by the Probation Department as well as
4 any written submissions by your lawyer and the government
5 before I decide on an appropriate sentence. Do you understand
6 that?

7 THE DEFENDANT: Yes.

8 THE COURT: And if you plead guilty, you will have to
9 give up your right not to incriminate yourself because I will
10 ask you questions about what you did to satisfy myself that you
11 are in fact guilty of this charge. Do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Count One of the indictment to
14 which you are pleading guilty charges you with participating in
15 a conspiracy to import into the United States and to distribute
16 with the intent to import into the United States 400 grams and
17 more of fentanyl and 100 grams and more of carfentanyl, a
18 fentanyl analogue, in 2017 and 2018.

19 I'd like to ask Mr. Turner if you would please state
20 the elements of the offense.

21 MR. TURNER: Yes, Judge. The charge in Count One, the
22 narcotics importation conspiracy charge, has three elements:
23 first, that there existed a conspiracy or an unlawful agreement
24 to violate the narcotics laws of the United States. In this
25 case, the conspiracy was to import a controlled substance into

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1 the United States or to manufacture, possess with intent to
2 distribute, or distribute a controlled substance intending,
3 knowing, or having reasonable cause to believe that it would be
4 illegally imported into the United States.

5 The second element is that the defendant knowingly and
6 intentionally joined in that conspiracy. And, third, that the
7 conspiracy involved 100 grams of mixtures and substances
8 containing a detectable amount of carfentanyl, or 400 grams or
9 more of mixtures and substances containing a detectable amount
10 of fentanyl.

11 And, last, the government would need to establish by a
12 preponderance of the evidence that venue is appropriate in the
13 Southern District.

14 THE COURT: Thank you. I also want to explain the
15 maximum penalty for this crime. There's a maximum of life
16 imprisonment, with a mandatory minimum of ten years'
17 imprisonment, unless I find that the safety valve provision
18 applies, which I will explain in a minute. There's a maximum
19 fine of the greatest of \$10 million or two times the total
20 financial gain from the offense or two times the total loss to
21 others from the offense, and a \$100 special assessment, which
22 is mandatory. And there is a term of supervised release for up
23 to life with a mandatory minimum of at least five years'
24 supervised release. And "supervised release," when I say that
25 term, that means that you are subject to monitoring following

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1 release from imprisonment. And during that period, there are
2 terms and conditions of supervised release that you must comply
3 with. And if you fail to comply with them, you can be returned
4 to prison without a jury trial.

5 In addition, as part of your plea agreement, you must
6 admit to the forfeiture allegation as to Count One of the
7 indictment and agree to forfeit to the United States government
8 any property derived from proceeds from this offense or used to
9 facilitate this offense, as explained in detail in the plea
10 agreement.

11 Mr. Niftalijev, you are not a United States citizen.
12 Is that correct?

13 THE DEFENDANT: I am not a citizen.

14 THE COURT: Are you an Estonian citizen?

15 THE DEFENDANT: No, I'm not an Estonian citizen.

16 THE COURT: Are you a citizen of any other -- of any
17 country?

18 THE DEFENDANT: Well, this is the paradox that I'm
19 living in. I have residency status in Estonia, but I do not
20 have citizenship.

21 THE COURT: OK. In any event, pleading guilty to this
22 crime will make it very likely, essentially mandatory, that you
23 are deported from the United States. Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: All right. A minute ago I mentioned a

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1 safety valve provision, and that's a provision in the law that
2 says when there's otherwise a mandatory minimum, like a
3 ten-year mandatory term of imprisonment for this crime, if
4 certain conditions are met, then that ten-year mandatory
5 minimum does not apply, it will go away, and I will be able to
6 sentence you below the ten years. To determine whether you
7 qualify, I will be asking you and your lawyer and the
8 government a few questions. I'm not asking them now, but the
9 questions that I will ask are, first of all, have you ever been
10 convicted of a crime before. Because you have to be in the
11 lowest criminal history category. Second, did you use violence
12 or credible threats of violence or possess a firearm or
13 dangerous weapon in connection with this offense. Third, did
14 the offense result in death or serious bodily injury to any
15 person. And, fourth, were an organizer, leader, manager, or
16 supervisor of others in connection with this offense. If the
17 answers to each of those questions is no and if you truthfully
18 provided the government with all information and evidence you
19 have concerning the offense, then the safety valve provision
20 will apply. However, I will not make a decision regarding
21 whether you qualify for the safety valve provision until the
22 time of sentencing. Do you understand that?

23 THE DEFENDANT: Yes, I understand.

24 THE COURT: All right. I also want to explain that if
25 your attorney or anyone has attempted to promise you or predict

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1 what your sentence will be, I just want to make it clear that I
2 am the one who is going to determine your sentence. So no one
3 else can promise you what your sentence will be. I'm going to
4 wait until I receive the documents I mentioned and determine an
5 appropriate sentence for you. And even if your sentence is
6 different from what you expected or what anyone has told you, I
7 will still be bound by your guilty plea and will not be allowed
8 to withdraw your plea. Do you understand that?

9 THE DEFENDANT: Yes, I understand.

10 THE COURT: Has anyone threatened you or forced you to
11 plead guilty?

12 THE DEFENDANT: No.

13 THE COURT: And did you sign a plea agreement or agree
14 to a plea agreement with the government?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. I have a copy of a translated
17 plea agreement that appears to have a signature on it.
18 Mr. Epstein, if you could just make a representation as to what
19 that is. Is that translated into Russian, or what is that?

20 MR. EPSTEIN: Yes. Your Honor, to make things go
21 smoothly and for the purposes of the record so that it's clear
22 that Mr. Niftalijev has agreed to an agreement that -- in the
23 English language, which he does not speak, we asked an official
24 court interpreter to translate that document into Russian and
25 mailed it to him for his signature. He then sent it back to

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1 us, signed. I've spoken to him about it. And I understand
2 that he agrees to its terms.

3 I have also been given consent, signed his name to the
4 English-language version, which I understand has been
5 transmitted to Mr. Hampton. So we have an English-language
6 version, a Russian-language version, or exact translation
7 actually, and both documents have been signed, the Russian
8 signed by Mr. Niftaliyev himself and the English signed by me
9 with his permission.

10 THE COURT: OK. Thank you for that.

11 Mr. Niftaliyev, I'd like to confirm what Mr. Epstein
12 just said. Did you in fact receive a translated version of the
13 plea agreement and sign that version?

14 THE DEFENDANT: Yes. I received the Russian
15 translation. I read through it. I signed it. And I sent it
16 back.

17 THE COURT: Thank you.

18 Do you understand everything in the plea agreement?

19 THE DEFENDANT: Yes, I understood everything.

20 THE COURT: OK. Under the plea agreement, there is
21 what's called a stipulated guideline range. That's an
22 agreed-upon range of what the sentencing guidelines are in this
23 case. And the sentencing guidelines are not mandatory.
24 They're advisory. The stipulated or agreed-upon guideline
25 range is 135 months to 168 months' imprisonment, with a

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1 ten-year mandatory minimum if the safety valve provision does
2 not apply. And there is a guideline fine range of \$35,000 to
3 \$10 million as a fine. That stipulation is binding on the
4 government and you but not on me. And I must make my own
5 calculation of the sentencing guidelines. But I want to make
6 clear that your lawyer will be able to argue for a sentence
7 that is below that guideline range. But I want to make sure
8 that you understand that you are giving up your right to appeal
9 or challenge your sentence as long as I sentence you within or
10 below that guideline range. Do you understand that?

11 THE DEFENDANT: Yes. I understand.

12 THE COURT: And do you still wish to plead guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: Would you please tell me what you did that
15 makes you believe you are guilty of this charge.

16 THE DEFENDANT: So in 2018, I entered a criminal
17 conspiracy in Estonia and other European countries. And the
18 aim, the goal of the conspiracy, was to acquire fentanyl. And
19 the ultimate goal of the conspiracy was to hand over the
20 fentanyl to a person who allegedly stated that he could
21 transport it to the United States. So this is a brief summary.

22 THE COURT: OK. When you entered that conspiracy, did
23 you understand that it was illegal and wrong?

24 THE DEFENDANT: Yes. I understood it.

25 THE COURT: And does government counsel believe that

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1 there is a sufficient factual basis for the plea?

2 MR. TURNER: Your Honor, we would respectfully ask
3 just one follow-up regarding quantity, which is that the
4 defendant understood and agreed that the conspiracy, the aim of
5 the conspiracy, involved at least 400 grams of mixtures and
6 substances containing fentanyl or at least 100 grams of
7 mixtures and substances containing carfentanyl.

8 THE COURT: Mr. Niftalijev, was it your understanding,
9 when you entered the conspiracy, or at some point when the
10 conspiracy existed and you were involved with it, is it your
11 understanding that it involved at least 400 grams of fentanyl
12 and at least 100 grams, or at least 100 grams of carfentanyl?

13 THE DEFENDANT: Yes, I understood it.

14 THE COURT: All right. Mr. Turner, do you think
15 there's any additional questioning that should be made?

16 MR. TURNER: No, your Honor. I believe there is a
17 factual basis. And the government would proffer, just for
18 venue purposes, that the defendant was first brought to the
19 United States following his arrest and that venue is therefore
20 proper under 18 U.S.C. 3238.

21 THE COURT: All right. And Mr. Epstein, you also
22 agree that there is a sufficient factual basis for the guilty
23 plea?

24 MR. EPSTEIN: Yes, I do, your Honor.

25 THE COURT: And you don't have any reason that I

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1 should not accept your client's plea?

2 MR. EPSTEIN: There is no reason not to accept his
3 plea, no, your Honor.

4 THE COURT: Thank you.

5 Mr. Niftalijev, since you acknowledge that you are in
6 fact guilty of this charge, and since I am satisfied that you
7 know your rights, including your right to go to trial, and that
8 you are aware of the consequences of your plea, including the
9 sentence that may be imposed, I find you are voluntarily
10 pleading guilty and I hereby accept your guilty plea and enter
11 a judgment of guilty on Count One, to which you have pleaded
12 guilty.

13 Now I'd like to set a date for sentencing.

14 MR. EPSTEIN: Your Honor, may I be heard just briefly?

15 THE COURT: Sure.

16 MR. EPSTEIN: I am prepared to waive as much time as I
17 can, and I guess the way to do that is to waive two disclosures
18 on the probation report and also not to ask for any additional
19 time, other than the filing of the probation report, to file my
20 presentence submission. I believe the Court has heard a lot
21 about this case over the last year and I intend to keep my
22 submissions fairly brief and just incorporate by reference a
23 lot of what I have done in connection with, for example, the
24 severance motion and other submissions that we have made.

25 So the shortest possible schedule is one that we would

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1 favor and ask the Court to direct, understanding of course that
2 probation has their own strictures and their own calendar, but
3 to the extent that they can comply, we would be very willing to
4 go forward with sentencing as quickly as possible.

5 THE COURT: OK. Mr. Turner, did you want to be heard
6 on that?

7 MR. TURNER: Judge, we have no objection to the
8 request from Mr. Epstein, subject to probation's schedule. But
9 we don't have any objection to a sentencing date that is as
10 early as probation can accommodate.

11 THE COURT: All right. Is there anyone from probation
12 on the call?

13 MR. TURNER: I don't believe so, Judge.

14 THE COURT: OK. Well, we could try to do -- what do
15 you think? Six weeks, Mr. Epstein? Or do you want to be more
16 ambitious than that?

17 MR. EPSTEIN: I'd love to be more ambitious than that,
18 your Honor. But I understand, sometimes these things tend to
19 expand, but I'd love to be more ambitious than that and hope
20 that probation can meet it deadline. After all, they have
21 written a couple of probation reports already on defendants who
22 have already pled guilty, and I think we can stand ready to do
23 an interview tomorrow if necessary, but of course I don't think
24 they'll do it tomorrow, but as quickly as possible. So as
25 ambitious as we can be, Judge, I would appreciate.

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1 THE COURT: OK.

2 MR. TURNER: And, your Honor --

3 THE COURT: Yes.

4 MR. TURNER: Sorry, Judge. Just as a point of
5 reference to the extent helpful, and I certainly don't want to
6 speak for probation, but I do know that with one of the other
7 defendants, as the Court will recall, Mr. Litvintsuk, he pled
8 guilty -- I'm looking at the docket -- he pled guilty on July
9 20th and made a similar request, where the second disclosure
10 was made, and that sentencing was scheduled with probation's
11 input for September 18th. So it was a little shy of two
12 months, was what happened in that instance.

13 THE COURT: OK.

14 MR. EPSTEIN: So I guess six weeks is the best I can
15 do.

16 THE COURT: Well, it depends. You're right. I know a
17 lot about the case and also that probation has prepared
18 presentence reports with respect to some of the co-defendants.
19 So we could try to do four weeks. And if we need to move it,
20 you know, a week or two, we could do that.

21 MR. EPSTEIN: That would be great. That would be just
22 great, your Honor. Thank you.

23 THE COURT: Four weeks is tough because that's the
24 week of Thanksgiving and -- well, let's try to do that. I'm
25 not sure about travel plans at this point, but let's try to

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1 do -- if we did four weeks from today, it would be November
2 23rd.

3 Bruce, are we limited to certain times, assuming we do
4 this again remotely?

5 THE CLERK: Yes. If we do it remotely we're going to
6 be restricted to a Monday, Wednesday, or Friday, since
7 defendant is being held at the MCC.

8 THE COURT: And are there certain times we have to
9 specify?

10 THE CLERK: Not particularly. I think for
11 videoconferences there are two during the morning hours, and
12 for telephone conferences there are three during the morning
13 hours. The afternoons are off, so it would just be the morning
14 for either a telephone call or a video call. I think the last
15 video call and telephone call actually happened at noon, so
16 that's technically the afternoon but not too much into it.

17 THE COURT: Well, we could try the same time. We
18 tried 9 a.m. on the 23rd, which is four weeks from today.
19 Would that work, Mr. Epstein?

20 MR. EPSTEIN: Yes, it does.

21 THE COURT: And is that OK, Mr. Turner?

22 MR. TURNER: Yes, your Honor.

23 THE COURT: All right. So we'll put it down for
24 November 23rd for sentencing at 9 o'clock a.m. And that will
25 be the hope. And I'll ask Mr. Hampton to talk to probation and

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1 see if they can be as quick as possible with the presentence
2 report. If that needs to be moved, of course, I'll let you all
3 know. And do you know if, Mr. Epstein, I don't know if you've
4 had a chance to talk to your client about this, but do you know
5 whether you're going to request a phone or a video for the
6 sentencing?

7 MR. TURNER: Your Honor, whatever comes easiest. I
8 think phone probably is easier. In my experience there's more
9 room for error in videoconferences and sometimes they wind up
10 being phone conferences anyway. So we're fine with a phone
11 conference.

12 THE COURT: OK. As long as you have a chance to talk
13 to Mr. Niftalijev about that. And then we'll put it on the
14 record when we talk about sentencing.

15 MR. EPSTEIN: Absolutely.

16 THE COURT: The other thing is, ordinarily of course
17 there's a right to see a draft of a presentence report and then
18 make comments and then have a final version prepared by
19 probation, and that whole process takes at least three months
20 typically, but you do have the right, in order to get your
21 request granted, to have it sooner, to waive the review of the
22 draft.

23 MR. EPSTEIN: And I do.

24 THE COURT: OK. And your understanding is your client
25 would waive that as well?

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1 MR. EPSTEIN: Yes, sir.

2 THE COURT: All right. So sentencing is set for
3 November 23rd at 9 a.m. You can just give me any sentencing
4 submissions the week before. Or do you want to do it earlier
5 than that?

6 MR. EPSTEIN: The week before is fine, your Honor.
7 There's nothing new under the sun here. So the week before is
8 fine. If I can get it any earlier I will. But I don't think
9 I'm going to say a heck of a lot because I've said a heck of a
10 lot already.

11 THE COURT: All right. So if you could do it a week
12 before, and then, Mr. Turner, if the government could do it
13 within two or three days after that. Does that work for the
14 government?

15 MR. TURNER: Yes, Judge, that works.

16 THE COURT: Great. So I'll say defendant's submission
17 due November 16th and the government's due November 19th.

18 MR. EPSTEIN: That works for us, Judge.

19 THE COURT: OK, great. And if you try to get that
20 interview with probation done in the next day or two, that
21 would be great if that's possible, Mr. Epstein.

22 MR. EPSTEIN: Yes. If Mr. Hampton would help me with
23 the contact number I would be more than happy to try to set it
24 up and implore them to do it.

25 THE COURT: OK. Great.

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1 All right. Is there anything further from the
2 government?

3 MR. TURNER: No, your Honor.

4 THE COURT: Anything further from Mr. Epstein?

5 MR. EPSTEIN: No, your Honor. Thank you very much.

6 THE COURT: OK. Thank you all. We're adjourned.

7 (Adjourned)